

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**David J. Stute, Director**  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

## **CLEARINGHOUSE RULE 98-077**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### **2. Form, Style and Placement in Administrative Code**

a. In the treatment clause of SECTION 9 of the rule, the word “and” should be inserted between the comma and the “(2)”.

b. In s. DE 2.04 (1) (intro.) and (2) (intro.), the phrase “all of the following conditions are met,” or a similar phrase should be inserted before the colon. [See s. 1.03 (8), Manual.]

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

It appears that the reference to s. 441.01 (3), Stats., in s. DE 5.02 (22) should instead be a reference to s. 447.01 (3), Stats.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In the introduction of the second paragraph of the analysis, the word “section” should be replaced by the word “sections.”

b. In the second sentence of the analysis describing SECTION 10 of the rule, the word “assistant” should be “assistance.”

c. It would be helpful to explain, perhaps in a note to the rule, where the passing score determined in s. DE 2.05 can be obtained. Will each examinee be told what the passing score is? Will it be published in the Wisconsin Administrative Register?

d. Section DE implies that there may be authorized assistance. If so, who authorizes assistance with exams? For what purposes would assistance be authorized? Perhaps the clarity of the rule would be enhanced if the rule would address the issue of “authorized assistance” in addition to the prohibition on “unauthorized assistance.” Perhaps the word “unauthorized” should be deleted.

e. For clarity purposes, the phrase “review the examination with” should be inserted in s. DE 2.07 (1) between “request to” and “the board”.

f. The relationship between s. DE 2.07 (2) (d) and s. DE 2.08 is not clear. Both provisions appear to be dealing with the issue of “claims of error” in the examination. It also seems as though the substance of s. DE 2.07 (2) (d) is included within s. DE 2.08. Is s. DE 2.07 (2) (d) necessary?

g. In both ss. DE 2.07 and 2.08, a note should be included identifying the address of the board for purposes of submitting the various requests.